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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/107,705 06/30/98 ASAMI

T 380153-53

WM02/1001
OFFENHEIMER WOLFF AND DONNELLY
2029 CENTURY PARK EAST
SUITE 3800
LOS ANGELES CA 90067-3024

EXAMINER

PATEL, N

ART UNIT

PAPER NUMBER

2673

DATE MAILED:

10/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/107,705	Applicant(s) ASAMI ET AL.	
	Examiner Nitin Patel	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,5,6,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Irie et al., (U.S. Patent No.5, 304,797).

As per claims 1,5,6,9 Irie teaches a control apparatus for a gas analyzer system, the gas analyzer system including a plurality of gas analyzers (In Fig.9 elements 46a, 46b, 46c) each having a gas analyzer unit with a plurality of outputs for analyzing a respective gas, a plurality of AD converters (In fig.9 elements 47a, 47b, 47c) each having a plurality of inputs respectively connected to the outputs of the gas analyzer unit according to a connection condition, an internal bus connected to an output of each AD converter and a memory unit connected to the internal bus for storing a connection condition (In col.12 lines 53-55 and lines 55-67 to Col.13 lines 1-6);

a CPU bus connected to internal bus of each of the gas analyzer (In Fig.9); and

Art Unit: 2673

an analyzer processing unit including a CPU (element 50) connected to bus CPU bus. CPU operating in accordance with a program for controlling each of gas analyzer (In fig.9 elements 46a, 46b, 46c)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4,7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irie et al., (U.S. Patent No.5, 304,797).

As per claims 2,3,4,7,8 Irie teaches a control apparatus for a gas analyzer system, the gas analyzer system including a plurality of gas analyzers (In Fig.9 elements 46a, 46b, 46c) each having a gas analyzer unit with a plurality of outputs for analyzing a respective gas, a plurality of AD converters (In fig.9 elements 47a, 47b, 47c) each having a plurality of inputs respectively connected to the outputs of the gas analyzer unit according to a connection condition, an internal bus connected to an output of each AD converter and a memory unit connected to the internal bus for storing a connection condition table which includes information for the connection condition (In col.12 lines 53-55 and lines 55-67 to Col.13 lines 1-6);

a CPU bus connected to internal bus of each of the gas analyzer (In Fig.9); and

Art Unit: 2673

an analyzer processing unit including a CPU (element 50) connected to bus CPU bus. CPU operating in accordance with a program for controlling each of gas analyzer (In fig.9 elements 46a, 46b, 46c).

Irie does not specifically teach a condition table with internal connection condition with a program for controlling each of gas analyzer. It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to include well known programmable ROM as a condition table, with internal connection condition with a program for controlling each gas analyzer and to store a program in a program memory such as ROM, which is well known to store any instruction or a program or steps to performed on a system is well known in the art.

Response to Arguments

6. Applicant's arguments filed 7/16/01 have been fully considered but they are not persuasive.

Applicant argument that Irie fails to communicate with gas analyzers, Examiner disagree with this argument that in fact the prior art does shows with data lines computer 50 is communicating with analyzers.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2673

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

The prior art made of record and not relied upon considered pertinent to application disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nitin Patel whose phone number is 703-308-7024. The examiner can normally be reached Monday - Friday 8.30 AM to 5.00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor is Bipin Shalwala at 703-305-4938.

Please fax any document at Fax number 703-305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9618.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

Art Unit: 2673

or faxed to :

(703) 308-9051, (for formal communications intended for entry)

Or:

(703)305-9724, for informal or draft communication, please label

("PROPOSED" or "DRAFT")

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (receptionist).

Nitin Patel
Patent examiner
Art Unit 2673

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a long, sweeping horizontal line extending from the end of the signature.

**VIJAY SHANKAR
PRIMARY EXAMINER**